



*State of New Jersey*  
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October 4, 2021

Via Electronic Filing

Hon. Cathy L. Waldor, U.S.M.J.  
United States District Court, District of New Jersey  
Martin Luther King Bldg. & U.S. Courthouse  
50 Walnut Street, Rm. 4015  
Newark, NJ 07101

Re: Elizabeth McNair, Administrator Ad Prosequendum of the Estate of Darrell Smith, and Elizabeth McNair, individually v. State of New Jersey, et al  
Civil Action No. 2:21-cv-01291 (WJM)(MF)

Dear Judge Waldor,

Our office represents Defendants State of New Jersey, New Jersey Department of Corrections, Special Treatment Unit, Adult Diagnostic Treatment Center, Commissioner Marcus Hicks, the New Jersey Department of Health, and Raymond Royce ("State Entity Defendants") in the above-captioned matter.

This matter is scheduled for an initial conference this Friday, October 8, 2021 at 10:00 A.M. with our joint discovery plan due tomorrow, October 5, 2021. The State Entity Defendants have filed a partial motion to dismiss and a motion to strike, pursuant to *Fed. R. Civ. P.* 12(f), which are both pending. *ECF No. 32, 63*. Pending the outcome of the motion to strike, many of the individual defendants have not yet filed a responsive pleading. Additionally, Plaintiff's counsel had previously advised the court of a recent loss in her family for which she has been out of the office. *ECF No. 67, 76*. Ms. Hinson has advised that she remains out of the office at this time. For these reasons, we respectfully request an adjournment of the conference.

Respectfully,

ANDREW J. BRUCK  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Stephanie D. Trotter  
Stephanie D. Trotter  
Deputy Attorney General



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cc: Via e-filing  
*Counsel for all parties*